

**IN THE UNITED STATES DISTRICT COURT
FOR THE MARYLAND
(Northern Division – Baltimore)**

Sung Hyun JI

207 Shaw Ave

Silver Spring, MD 20904,

Plaintiff,

-against-

True World Foods DC LLC

10640 Iron Bridge Rd

Suites 5 & 6

Jessup, MD 20794,

Serve on the resident agent:

CSC-Lawyers Incorporating Service
Company

7 St. Paul Street, Suite 1660

Baltimore, MD 21202,

Teiichi Morikawa

10640 Iron Bridge Rd

Suites 5 & 6

Jessup, MD 20794

AND

Kazumasa Matsuda

10640 Iron Bridge Rd

Suites 5 & 6

Jessup, MD 20794,

Defendants.

Civil Action Number: _____

JURY TRIAL REQUESTED

COMPLAINT

Plaintiff, Sung Hyun JI, by his attorneys, (Michael) Hyunkweon Ryu and the law firm of Ryu & Ryu, PLC, as and for his Complaint herein, alleges and shows to this Court the following:

Nature of Action

1. Plaintiff, a former employee of Defendants True World Foods DC LLC, Teiichi Morikawa and Kazumasa Matsuda, respectfully submits this Complaint alleging that the two

Defendants intentionally and willfully violated the overtime provisions of the Fair Labor Standards Act 29 U.S.C. § 201, *et seq.*, (the “FLSA”) and the Maryland Wage and Hour Law, Md. Ann. Code, Labor & Employment, § 3-415(a) (the “MWHL”). Plaintiff is also owed wages under the Maryland Wage Payment Collection Act (the “MWPCA”). Plaintiff further alleges that Defendants’ failure to pay the regular and overtime wages is willful and intentional.

Jurisdiction

2. This Court has jurisdiction over the federal law claims asserted in this action under 28 U.S.C. § 216(b) and 28 U.S.C. § 1331, and supplemental jurisdiction over the state Labor and Employment law claims herein, as they form part of the same case and controversy as the federal claim.

Venue

3. Venue is proper in this Court under 28 U.S.C. § 1391(b) since Defendants have their place of business in this District, and the unlawful acts occurred herein.

Parties

4. Plaintiff was at all times relevant hereto an employee of Defendants.

5. Plaintiff was at all times relevant hereto an individual employed in the State of Maryland by Defendants.

6. Plaintiff was at all times relevant hereto resided in the State of Maryland.

7. Plaintiff was at all times relevant hereto a non-exempt employee within the meaning of the FLSA, and the Maryland Labor & Employment Code, and the implementing rules and regulations of the FLSA and the Maryland Labor & Employment Code.

8. Plaintiff is filing this FLSA claim as an individual action for himself.

9. For the period commencing on or about September 22, 2008, Plaintiff regularly and customarily at the specific instructions and demand of Defendants actually performed work for Defendants in excess of forty (40) hours per week.

10. Plaintiff performed work for Defendants the said excess of forty (40) hours per week work as an express condition of his continued employment.

11. Throughout Plaintiff's employment, Defendants paid Plaintiff a fixed amount per week regardless of the number of hours he worked in a day or the number of hours he worked in a workweek.

12. Plaintiff regularly worked more than 40 hours a week and was never paid the proper amount of overtime wages.

13. Plaintiff was not fully paid for even the regular wages for the period of commencing on September 11, 2011 through August 6, 2012.

14. Plaintiff worked Monday through Saturday.

15. Plaintiff regularly worked more than 40 hours per week while employed by Defendants.

16. Plaintiff performed manual labor for Defendants in the refrigerator.

17. Plaintiff also performed clerical work for Defendants in the office.

18. Plaintiff was initially promised for a work as Operations Research Analyst.

19. Plaintiff was assigned to the said manual labor and clerical work by Defendants.

20. Plaintiff was not required to possess any specialized skills in order to do the assigned work for Defendants.

21. Plaintiff did not have to supply his own tools and equipment in connection with his work for Defendant.

22. Plaintiff was required to report to work for Defendants at a certain time.

23. Plaintiff could not set his own hours of work for Defendants.

24. Plaintiff was not compensated at the proper overtime rate for hours worked in excess of forty (40) hours per week.

25. Defendant, True World Foods DC LLC, is and was at all relevant times hereto a Delaware Limited Liability Company with its principal office in Maryland at 10640 Iron Bridge Road, Suites 5 & 6, Jessup, MD 20794.

26. Defendant, True World Foods DC LLC, is registered with the state of Maryland with its registered agent: CSC-Lawyers Incorporating Service Company at 7 St. Paul Street, Suite 1660, Baltimore MD 21202.

27. Defendant, True World Foods DC LLC, is and was at all relevant times hereto engaged in the business of a wholesale distribution of seafood products.

28. Defendant, True World Foods DC LLC, is and was at all relevant times hereto engaged in the said wholesale distribution of the said products to customers in the states of Massachusetts, California, Pennsylvania, New Jersey, Washington, Texas, etc.

29. Defendant, True World Foods DC LLC, is and was at all relevant times hereto engaged in the interstate commerce.

30. Upon information and belief, the annual gross sale of Defendant True World Foods DC LLC exceeds \$500,000.00.

31. Defendant Teiichi Morikawa was the operator of the corporate Defendant, True World Foods DC LLC from about October 2008 to about July 2010.

32. Defendant Teiichi Morikawa managed, supervised, established and administered the terms and conditions of Plaintiff's employment.

33. Defendant Teiichi Morikawa participated in and approved of the unlawful pay practices of the corporate Defendant True World Foods DC LLC.

34. Defendant Teiichi Morikawa was involved in assigning work to Plaintiff.

35. Defendant Teiichi Morikawa had the power and authority to discipline Plaintiff.

36. Defendant Teiichi Morikawa exercised authority over the terms and conditions of Plaintiff's employment and how much and the manner in which Plaintiff was paid.

37. Defendant Teiichi Morikawa hired Plaintiff.

38. Defendant Teiichi Morikawa was in charge of paying employees.

39. Defendant Teiichi Morikawa told Plaintiff where to work and when to work.

40. Defendant Kazumasa Matsuda is the operator of the corporate Defendant, True World Foods DC LLC.

41. Defendant Kazumasa Matsuda managed, supervised, established and administered the terms and conditions of Plaintiff's employment from about September 2011 to about August 2012.

42. Defendant Kazumasa Matsuda participated in and approved of the unlawful pay practices of the corporate Defendant True World Foods DC LLC.

43. Defendant Kazumasa Matsuda was involved in assigning work to Plaintiff.

44. Defendant Kazumasa Matsuda had the power and authority to discipline Plaintiff.

45. Defendant Kazumasa Matsuda exercised authority over the terms and conditions of Plaintiff's employment and how much and the manner in which Plaintiff was paid.

46. Defendant Kazumasa Matsuda fired Plaintiff.

47. Defendant Kazumasa Matsuda was in charge of paying employees.

48. Defendant Kazumasa Matsuda told Plaintiff where to work and when to work.

49. Defendants employed Plaintiff to do work for them in the State of Maryland.

50. Defendants, during all relevant times, were subject to the FLSA due to the nature of their business and revenues earned.

51. Defendants provided the tools and equipment and materials for Plaintiff to do his job with Defendants.

52. Defendants held Plaintiff out as an employee.

53. At all times relevant hereto, the acts and omissions of Defendants, and each of them, concurred and contributed to the various acts and omissions of each and every one of the other Defendants in proximately causing the complaints, injuries and damages alleged herein.

54. At all times relevant hereto, Defendants, and each of them, approved of, condoned and/or otherwise ratified each and every one of the acts or omissions of the other Defendants complained of herein.

55. At all times relevant hereto, Defendants, and each of them, aided and abetted the acts and omissions of each and every one of the other Defendants, thereby proximately causing the damages as herein alleged.

56. Defendants employed and paid Plaintiff as their employee.

57. Defendants are employers within the meaning of the term of the Fair Labor Standards Act, 29 U.S.C. § 203(d), the Maryland Wage and Hour Law, Md. Ann. Code, Labor & Employment, § 3-401(b), and the Maryland Wage Payment and Collection Act, §3-501 (b).

58. Defendants failed to fully pay Plaintiff for hours worked for even the regular wages for the period of commencing on September 11, 2011 through August 6, 2012.

59. Defendants failed to pay Plaintiff for overtime compensation for hours worked in excess of 40 hours per workweek.

60. Defendants' failure to properly pay Plaintiff for overtime wages was intentional and willful.

61. No exemption from overtime wages applied to Plaintiff's employment with Defendants.

62. Defendants never obtained legal advice or counsel that its overtime pay practices and/or policies were compliant with state and federal wage-hour laws.

63. Defendants never obtained any written guidance from the U.S. Department of Labor concerning their pay practices and policies.

64. No exemption from overtime applies or applied to Plaintiff when he worked or works more than 40 hours in a workweek for Defendants.

65. Defendants failed to pay Plaintiff overtime compensation for all hours worked in excess of 40 hours per workweek.

66. Defendants' failure to pay Plaintiff at the proper overtime rate was intentional and willful.

Count I: Violation of FLSA

67. All allegations of the Complaint are expressly incorporated herein and Plaintiff repeats and realleges each and every allegations set forth in this Complaint as though set forth fully at length herein.

68. Plaintiff is entitled to overtime pay under the Fair Labor Standards Act, 29 U.S.C. §§ 206-207.

69. Defendants violated the provision of the Fair Labor Standards Act by failing and refusing in a willful and intentional manner to pay Plaintiff all overtime compensation due to him under the FLSA and its implementing regulations.

70. Plaintiff has been damaged by the said violation by Defendants in an amount presently to be determined at the trial of this action.

71. By reason of the aforesaid violations of the FLSA, Defendants are liable to Plaintiff in an amount equal to the unpaid overtime, unpaid overtime penalties/liquidated damages, all other applicable penalties, and attorney's fees and costs, pre-and post judgment interest.

72. Relief requested: Plaintiff requests that: (a) Defendants be ordered to pay Plaintiff for all overtime hours; (b) liquidated damages be assessed against Defendants; (c) Plaintiff be awarded pre-and post-judgment interest; and (d) Plaintiff be awarded his attorney's fees and costs.

Count II: Violation of MWHL, Failure to Pay Overtime

73. All allegations of the Complaint are expressly incorporated herein and Plaintiff repeats and realleges each and every allegations set forth in this Complaint as though set forth fully at length herein.

74. Plaintiff was required to work in excess of forty (40) hours during a workweek.

75. Defendants willfully violated the provisions of the Maryland Wage and Hour Act by failing to compensate Plaintiff for overtime hours worked.

76. As a result of the unlawful acts of Defendants, Plaintiff has been deprived overtime in amounts to be determined at trial, and is entitled to recovery of such amounts, plus interest and penalties thereon, attorney's fees, and costs.

77. Relief requested: Plaintiff requests that: (a) Defendants be ordered to pay Plaintiff for all overtime hours; (b) liquidated damages be assessed against Defendants; (c) Plaintiff be awarded pre-and post-judgment interest; and (d) Plaintiff be awarded her attorney's fees and costs.

Count III: Violation of MWPCA

78. All allegations of the Complaint are expressly incorporated herein and Plaintiff repeats and realleges each and every allegations set forth in this Complaint as though set forth fully at length herein.

79. Defendants failed to fully pay Plaintiff for the work he performed for the period of commencing on September 11, 2011 through August 6, 2012.

80. Defendants failed to pay the required overtime wage to Plaintiff throughout his employment

81. Defendants' failure to timely pay all wages due to Plaintiff violates the MWPCA, Md. Code Ann., Labor & Empl. § 3-502.

82. Pursuant to the MWPCA, Md. Code Ann., Labor & Empl. § 3-502, Defendants were and are obligated to pay Plaintiff for all wages earned on a regular basis.

83. Defendants' actions in failing to pay wages for all hours worked and overtime wages were willful violations of the MWPCA.

84. There is no bona fide dispute as to the wages owed to Plaintiff.

85. Relief requested: Plaintiff requests that: (a) Defendants be ordered to pay Plaintiff the wages owed and for all overtime violations; (b) Plaintiff be awarded treble damages; (c) Plaintiff be awarded pre-and post-judgment interest; and (d) Plaintiff be awarded his attorney's fees and costs.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, and in favor of him individually, as follows:

A. On Count I: Plaintiff requests that: (a) Defendants be ordered to pay Plaintiff for all overtime hours; (b) liquidated damages be assessed against Defendants; (c) Plaintiff be

awarded pre-and post-judgment interest; and (d) Plaintiff be awarded his attorney's fees and costs;

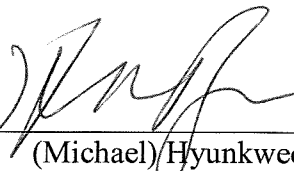
B. On Count II: Plaintiff requests that: (a) Defendants be ordered to pay Plaintiff for all overtime hours; (b) liquidated damages be assessed against Defendants; (c) Plaintiff be awarded pre-and post-judgment interest; and (d) Plaintiff be awarded her attorney's fees and costs; and

C. On Count III: Plaintiff requests that: (a) Defendants be ordered to pay Plaintiff the wages owed and for all overtime violations; (b) Plaintiff be awarded treble damages; (c) Plaintiff be awarded pre-and post-judgment interest; and (d) Plaintiff be awarded his attorney's fees and costs.

Respectfully submitted,

Sung Hyun Ji

By his counsel:
Ryu & Ryu, PLC
Attorney for Plaintiff
301 Maple Ave West
Suite 620
Vienna VA 22180


By: (Michael) Hyunkweon Ryu
Federal Bar ID: 17805
Its: Member

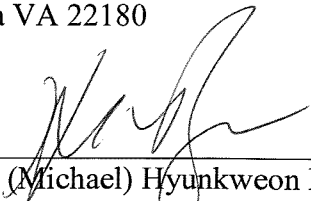
Dated: August 27, 2012

REQUEST FOR JURY TRIAL

Plaintiff requests that a jury of his peers hear and decide his claim.

Sung Hyun JI

By his counsel:
Ryu & Ryu, PLC
Attorney for Plaintiff
301 Maple Ave West
Suite 620
Vienna VA 22180


By: (Michael) Hyunkweon Ryu
Federal Bar ID: 17805
Its: Member

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Sung Hyun Ji
207 Shaw Ave., Silver Spring, MD 20904

(b) County of Residence of First Listed Plaintiff Montgomery
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Ryu & Ryu, PLC 703-319-0001
301 Maple Avenue West, Suite 620, Vienna, VA 22180

DEFENDANTS

True World Foods DC LLC; Teiichi Morikawa; and Kazumasa Matsuda

County of Residence of First Listed Defendant Howard County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 USC §§ 206, 207

Brief description of cause:

owed wages and overtime

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

August 27, 2012

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE